IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING
(RULE 53(b)(1))

For Design or Utility Applications

Rule 53(b)(1) PATENT APPLICATION: (DO **NOT** USE FOR CIPs)

☒   Continuation   )
) application under 37 CFR 1.53(b)(1)
☐   Divisional   )
application under 37 CFR 1.53(b)(1)   Group Art Unit: 2829
    of pending prior application of

                                                    Examiner: Nguyen, Jimmy

Inventor(s):   John T. Strom

Parent Appln. No.:	10	046,559	Atty. Dkt.	044182	308512
	Series Code ⇧	Serial No. ⇧		**New** C-M	Client Ref

Parent Filed: October 27, 2001
This Appln. Filed: February 27, 2004

Title: METHOD OF APPLYING THE ANALYSIS OF SCRUB MARK MORPHOLOGY AND LOCATION TO THE EVALUATION AND CORRECTION OF SEMICONDUCTOR TESTING, ANALYSIS, AND MANUFACTURE

Mail Stop Patent Application   Date: February 27, 2004
Commissioner for Patents   (Parent Matter No.   044182-290111   )
PO Box 1450
Alexandria, VA 22313-1450

Sir:

To effect the above-requested filing today:

1.   **Attached** is a copy **(which must be filed)** of the prior application, including:
☒   Abstract
☒   Specification and claims (11pages) **(must be attached)**
☒   Drawings **(must be attached if originally filed)**: 3 sheet(s)/set: ☐ 1 set informal;
                                        ☒ Formal of size   ☐ A4   ☒ 11"

1A.   Always X one box, only:
 (1) ☐ Copy of Signed declaration or oath as originally filed in prior application attached

 (2) ☒ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.   ☐   This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

     1. _____   2. _____
     3. _____   4. _____

2.5 THE <u>INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):</u>

1. _____ 2. _____

3. _____ 4. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of
(country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	_____	_____	(2)	_____	_____
(3)	_____	_____	(4)	_____	_____

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in
U.S. Application No. _____ / _____ , filed on _____ .
series code ⇧ ⇧ serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____ .

4. (a) ☐ Domestic priority is claimed from PCT/ _____/_____ , filed _____ .

(b) ☒ Benefit is claimed of Provisional Application No. 60/<u>244,432</u> , filed <u>October 20, 2000</u> .

5. ☒ Prior application is assigned to <u>Applied Precision, LLC</u>

by assignment recorded <u>April 3, 2002</u> Reel <u>012751</u> Frame <u>0699.</u>
(Date)

6. ☐ Attached is the following number of Assignments (including original and all later successive ones by <u>different</u> assignors): _____ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

<u>Please return the recorded Assignment to the undersigned.</u>

7. ☒ The power of attorney in the prior application is to_____

(Name and Reg. No.) John R. Wetherell, Jr., Ph.D. Reg. No. 31,678
whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney <u>Victor J. Castellucci,</u> Reg. No. 43,535

whose current address is as in item 8 below.

8. **Address all future communications to Intellectual Property Group**
of Pillsbury Winthrop LLP, 11682 El Camino Real, Suite 200, San Diego, CA 92130

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 60/ 244,432 filed October 30, 2000 _____
No. 10/ 046,559 filed October 27, 2001 _____
No. _____ / filed _____
No. PCT/ _____ / filed _____ , which
designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** ☐ is <u>Not</u> claimed ☒ is claimed (<u>pre-filing</u> confirmation **required**)

(No.) Small Entity Statement(s) (<u>not</u> essential since 9/8/00) were/are:
☐ filed in above prior application
☒ attached.

11. Petition to extend the life of the above prior application <u>to at least the date hereof</u>
(<u>one</u> box) ☒ is being concurrently filed in that prior application (Use Form PAT-111).
(<u>must</u> be) ☐ was previously filed in that prior application (Check length of prior extension).
(X'd) ☐ is not necessary <u>for copendency</u> (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are <u>not required</u> now. Please consider those documents and <u>advise</u> that they have been considered in <u>this new</u> application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. ☐ **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON
->->->->CLAIMS AS FILED AND **CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14**<-<-<-<-

NOTE: If box 1A<u>2</u> is X'd, do not pay fees,
but leave lines 15-22 and 27-32 <u>blank.</u>
<u>PTO:</u> **PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.**

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . .Design Application				$340/$170		1002/2002
16. Basic Filing Fee . . . . .Utility Application				$770/$385	+0	1001/2001
17. Total Effective Claims		minus 20 =	0	x $18/$9	+0	1202/2202
18. Independent Claims		minus 3 =	0	x $86/$43	+0	1201/2201
19. If <u>any proper</u> multiple dependent claim (ignore improper) is present,				$290/$145	+0	1203/2203
20.				Subtotal =	$0	
21. If "petition" box 13 above is X'd, add petition fee. $130					+0	1808
21A. If box 6 above is X'd, add Assignment recording fee . . . .$ 40					+0	8021

22. **TOTAL FILING FEE =** | $0 |

(carry forward to Item 31)

23. ☒ ATTACHED: Copy of Power of Attorney from Assignee and Revocation of Prior Powers filed in Application Serial No. 10/046,559 on even date herewith

24. ☐ Preliminary Amendment <u>attached</u> (to be entered <u>after</u> assigning Appln. No.)

25. ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (Pat-258)

26.

ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25

		Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	
					Large/Small Entity		File Code
27.	Total Effective Claims	* ___	minus ** ___	= 0	x $18/$9 =	$ 0	(1202/2202)
28.	Independent Claims	* ___	minus *** ___	= 0	x $86/$43 =	+ 0	(1201/2201)

29. If amendment enters proper multiple dependent claim(s) into this application for the
first time, add (per application) ....$290/$145   + 0   (1203/2203)

30.   ADDITIONAL FEE $ 0

31.   plus FEE from item 22 on page 3   + 0

32.   TOTAL FEE $ 0

33.   *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34.   **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35.   If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

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PLEASE CHARGE
OUR DEP. ACCT.
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Our Deposit Account No. 50-2212
Our Order No.   044182 | 308512
                    C# | M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
Tel: (619) 234-5000
VJC/kac
Atty./Sec.

By Atty: Victor J. Castellucci   Reg. No.   43,535

Sig: _Victor Castellucci_   Fax: (858) 509-4010
                                        Tel: (858) 509-4007

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
If yes, printout Pat-111 and head it in parent.